

AUSTPORT

From: "AUSTPORT" <robert.d.taylor@austport.com.au>
To: "DAVID HATFIELD ACCC" <david.hatfield@accc.gov.au>
Sent: Friday, 11 February 2005 2:11 PM
Attach: Conference.doc
Subject: Conference

ACCC

Dear Mr. Hatfield:

Please find the attached outline with respect to the Conference.

Regards,

Robert Taylor
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11/02/2005

Austport requested a conference to ensure that a conference is held to give applicants and interested parties an opportunity to explore and made oral and further written submissions to the Commission about its draft determination, prior to it issuing a final determination.

Among the matters to be explored and addressed, including by the Applicants, are the following:

- If past behavior of the Applicants, including with regard to the intent of competition and other legislation and/or arrangements or obligations with other parties, and what disclosure have the Applications have or have not made to the ACCC about the foregoing, have prejudiced the context, process, perceptions, assessment and decisions by the Commission?
- What have the Applicants done to explore and support, or otherwise, alternatives to the Application?
- If all relevant information has been submitted by the Applicants to the Commission?
- What information the Applicants have chosen not to submit to the Commission and why?
- What information the Applicants have chosen to claim as confidential to the Commission and why?
- What are the full objectives of, and benefits to, the Applicants?
- If the public benefit flowing from the proposed arrangements is likely to outweigh any anti-competitive detriment?
- How is the draft determination intended to operate?
- What is the effect and who is effected by the draft determination, and if approved?
- Examples of anti-competitive detriment of the proposal, draft determination, and an authorisation to the application if granted:
 - Impacts on the development and viability of new and more efficient storage transshipment, and port infrastructure to serve agricultural commodities, agricultural inputs, and/or the inputs and outputs from other sectors such as mining and mineral processing, and industry.
 - Impacts on the introduction and viability of competitive rail haulage services.

- Inhibition of competition in trading, of the opening of new markets, of the support for changes in cropping and of the equitable distribution of profits and wealth in the agricultural and related sectors.
 - Inhibition on investment in Australia in new mining, industrial, agricultural and infrastructure projects.
 - Inhibition of competition in project management, engineering, banking and other support and related activities.
 - Further concentration of assets, and of effective control of assets and markets in Australia.
 - Inhibition on the diversification and growth of the Australian economy.
 - Protection of the "Single Desk", and further enhancement of control of other trading markets, for AWB.
- Other facts, issues and questions relevant.